SINGLE BENCH

C.S. 100/

003

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1127 OF 2006

PETITIONER : Dukhharan Singh Thakur, aged about 51 years, Son of Shri Ramji Singh Thakur, Working as Constable (No. 398), Flying Squad, R.T.O. Durg (C.G.), Resident of Girdhari Nagar, Near Rawabhata, Durg (C.G.).

P.R. No. 12-9-06
Presented by Shri A.J. Asgar
dated 13-3-06

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through: The Secretary, Department of Home, Mantralaya, D.K.S. Bhawan Raipur (C.G.).

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3/3/06
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2. State of Chhattisgarh, Through: The Secretary, Department of Transport, Mantralaya, D.K.S. Bhawan, Raipur (C.G.).

OATH COMMISSIONER
APARNA MALVIYA
CG-2073/06
01/03/06
Bilaspur Chhattisgarh

3. The Additional Commissioner, Department of Transport, Bus Stand, Raipur (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND/OR A SUITABLE DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1127 OF 2006

Petitioner	:	Dukhharan Singh Thakur
	Versus	
Respondents	:	State of C.G. and Others

Shri Prashant Jaiswal, senior counsel with Shri Vinay Pandey, counsel for the petitioner.

Shri A.S. Kachhuwaha, Government Advocate for the respondents.

ORAL ORDER

(25th March, 2006)

1. The petitioner was employed in the Police Department as Constable. By order dated 25.4.2003, the petitioner has been sent on deputation from the Department of Home (Police Line, Durg) to the Department of Transport (R.T.O. Durg).

2. The petitioner met with a serious accident on 8.8.2003, at Arang Road, Raipur, whereby he sustained fracture in the left lower leg and a rod was inserted in the leg. According to the petitioner, the petitioner is still not in a position to perform physical duty of police constable.

3. The petitioner has filed this petition praying that the respondents be directed to absorb services of the petitioner in the Transport Department as the Transport Department Government of Madhya Pradesh, by order

dated 23.6.93 (Annexure P-4) had absorbed similarly situated constables who met with serious accident.

4. Learned counsel at this stage, confines his submission to allow the petitioner to make a representation to the authorities for sympathetic consideration within a stipulated time, to which learned counsel for the respondents have no objection.

5. Accordingly, the petitioner is granted permission to file a representation within a period of four days, along with a copy of this writ petition. In that event, the respondents are directed to consider and decide representation of the petitioner sympathetically within a period of four weeks, from the date of receipt/production, of a copy of this order, as according to the petitioner, the order of reversion of the petitioner's services from Transport Department to the Police Department, has been made effective w.e.f. 16.5.2006.

6. In view of foregoing, the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge